

## REMARKS

Claims 1-27 are pending in the current application. No claims have been amended. Thus, claims 1-27 remain pending in the current application.

Further, Applicants believe that in light of the remarks presented herein, the present application is in condition for allowance, and Applicants respectfully request prompt and favorable action.

### *Interview Summary*

Applicants wish to thank Examiner Byrd for the courtesy of extending an Interview on May 24, 2010, to Applicants' representative Anthony R. Morris. The merits of the claims as currently presented were discussed; specifically the insufficiency of Hashimoto to anticipate claims 1-27.

### *Claim Rejections – 35 USC § 102*

Claims 1-27 are rejected under 35 USC § 102(b) as being anticipated by Hashimoto et al. (US Published Patent Application No. 2003/0027592). Applicants respectfully traverse.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Firstly, independent claim 1 recites, in part, “processing the received content data to form a user interface for the device, wherein the content data comprises metadata.” The Official Action asserts that Hashimoto teaches the claimed subject matter and cites paragraphs [0064] and [0075] as support. A portion of the cited paragraphs reads as follows:

[0064] In general, *a user interface structure is expressed in a tree structure*, and the progress is expressed based on a change of the status on the nodes of the tree, structure. In the present invention the program-related contents generation/presentation apparatus first defines a tree structure of program-related contents, and determines presentation attributes of subordinate nodes of each subtree. When a specific event occurs on the program, program-related contents are

generated, and a presentation yardstick that reflects users' preference information is calculated for leaves of the tree structure. ....

[0075] FIG. 2 is an outline diagram of the program-related contents transmission service. A user registers in advance own preference information to a database 201 of the program-related contents generation/presentation apparatus 200. This preference information has a structure that can be registered to the program-related contents generation/presentation apparatus 200 by using a data transmission function of the portable terminal 300. The broadcasting station 100 **transmits program metadata together with a program video** through a digital broadcasting wave.

(Emphasis Added).

Contrary to the Official Action's assertions, the above cited passages neither disclose nor suggest "processing the received content data to form a user interface for the device, wherein the content data comprises metadata," as recited in the claimed subject matter. A "user interface structure" which is expressed in "a tree structure" neither discloses nor suggests processing received content data to form a user interface. In other words, Hashimoto discloses a user interface defined through a preset tree structure and broadcasting content with metadata **through** the preset tree structure. By contrast, the claimed subject matter recites processing received content data with metadata **to form** the user interface itself. As such, the disclosure in Hashimoto of transmitting content data through a preset user interface tree structure neither discloses nor suggests processing content data to form a user interface, as recited by independent claim 1.

Secondly, independent claim 1 recites, in part, "accessing content data updates via the communications interface in accordance with the content data metadata." The Official Action asserts that Hashimoto teaches the claimed subject matter and cites paragraphs [0064] and [0075]-[0076] as support. A portion of the cited paragraphs reads as follows:

[0076] In order for a user to start viewing program-related contents, the user first transmits a "viewing request" from the portable terminal 300 to the program-related contents generation/presentation apparatus (distribution server) 200. When an important event has occurred in the program, a program within the program-related contents generation/presentation apparatus 200 decides whether program-related contents should be transmitted to individual users or not.

Contrary to the Official Action's assertions, the above cited passage neither discloses nor suggests "accessing content data updates via the communications interface in accordance with the content data metadata," as recited in the claimed subject matter. Hashimoto's disclosure of

communication of a viewing request from a device to a server neither discloses nor suggests the claimed subject matter. As noted in the cited passage above, Hashimoto discloses that the user device *first* transmits the viewing request. Thereafter content may be received through a preset user interface tree structure. By contrast, the claimed subject matter recites that content data updates are accessed in accordance with the content data metadata. In other words, Hashimoto discloses initially sending a request for content broadcast through a preset user interface structure, while the claimed subject matter recites obtaining user interface updates through metadata which accompanied the content data used to form the user interface. Thus, Hashimoto neither discloses nor suggests the claimed subject matter of independent claim 1.

Independent claims 8, 9 and 21 recite similar subject matter as discussed above, and for at least the same reasons provided above, independent claims 8, 9 and 21 are patentable over the applied reference. Claims 2-7, 10-20 and 22-27, at least for their dependence on patentable claims 1, 8, 9 and 21, respectively, and for their added features, are also patentable over all the applied reference

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-27 under 35 USC § 102(b) as being anticipated by Hashimoto.

### CONCLUSION

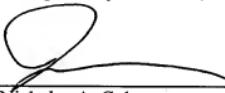
In light of the remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Dated: June 3, 2010

Respectfully submitted,

By:

  
Nicholas A. Cole  
Reg. No. 60,957  
(858) 658-1834

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-1834  
Facsimile: (858) 658-2502